

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIEL ELDON KENNEMORE,)	
)	
Petitioner,)	
)	
v.)	No. 4:21-cv-00231-SRW
)	
DENISE HACKER,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Daniel Eldon Kennemore’s motion for leave to proceed in forma pauperis. (Docket No. 5). Having reviewed the motion, the Court finds that it should be granted. Additionally, for the reasons discussed below, the Court will direct petitioner to file a second amended petition on a Court form.

Background

Petitioner is a self-represented litigant currently committed to the Missouri Sexual Offender Treatment Center in Farmington, Missouri. On February 23, 2021, the Court received from him a “Petition for a Writ of Habeas Corpus,” which the Court construed as arising under 28 U.S.C. § 2254. (Docket No. 1). The petition was not on a Court-provided form, and thus lacked necessary information regarding his challenge. Furthermore, petitioner had not paid the filing fee or filed a motion for leave to proceed in forma pauperis.

On February 25, 2021, the Court directed petitioner to file an amended petition on a Court form, and to either file a motion for leave to proceed in forma pauperis, or pay the filing fee. (Docket No. 3). The proper forms were mailed to petitioner to aid his response. He was given thirty days in which to comply.

On March 15, 2021, the Court received a letter from petitioner accusing the Court and the Clerk of Court of trying to prevent him from filing a habeas corpus action. (Docket No. 4). That same day, the Court also received petitioner's motion for leave to proceed in forma pauperis, as well as his amended petition. (Docket No. 5; Docket No. 7).

The amended petition is on a Court-provided form. However, partway through the petition, petitioner writes: "I need an attorney to finish filling this form out. I have no idea what to write." (Docket No. 7 at 3). Most of the balance of the petition has been left blank. Specifically, petitioner does not provide any grounds for relief, does not make a request for relief, and has failed to sign the petition.

Discussion

Petitioner has filed an amended petition with the Court as directed. However, because he has not completed the form, it is deficient and subject to dismissal. In particular, petitioner has not complied with Rule 2(c) of the Rules Governing § 2254 Cases in the United States District Courts. This rule requires petitioner to "specify all grounds for relief available to the petitioner" and to "state the facts supporting each ground." *See* Rule 2(c) of the Rules Governing § 2254 Cases in the United States District Courts. As noted above, petitioner has left this portion of the form petition entirely blank.

Furthermore, petitioner has failed to sign his petition. Rule 2(c)(5) of the Rules Governing Section 2254 cases in the United States District Courts provides, in relevant part, that the petition must "be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner." As with his grounds for relief, the signature portion of the petition has been left blank.

Because petitioner is a self-represented litigant, he will be given an opportunity to file a second amended petition. Petitioner should file the second amended petition on a Court-provided form, which will be sent to him. He should fill out the entirety of the form to the best of his abilities. **The second amended petition must include petitioner's grounds for relief, and it must be signed.** Petitioner will be given thirty days in which to comply. Failure to comply will result in the dismissal of this petition without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall send to petitioner a copy of the Court's 28 U.S.C. § 2254 form.

IT IS FURTHER ORDERED that petitioner shall file a second amended petition on the Court form within **thirty days** of the date of this order.

IT IS FURTHER ORDERED that if petitioner fails to file a second amended petition on the Court form within **thirty days** of the date of this order, this action will be dismissed without prejudice and without further notice.

Dated this 17th of March, 2021.

/s/ Stephen R. Welby
STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE